

Statement of: Complainant, P.O./Field Training Officer Michael KASPER,
regarding the following allegations:

1. The (Unknown) accused during the course of KASPER'S employment with the Chicago Police Department subjected the complainant to harassment.
2. The (Unknown) accused during the course of KASPER'S employment with the Chicago Police Department subjected the complainant to demotion.
3. The (Unknown) accused during the course of KASPER'S employment with the Chicago Police Department subjected the complainant to denial of promotional opportunities.
4. The (Unknown) accused during the course of KASPER'S employment with the Chicago Police Department did not provide the complainant with a requested accommodation.
5. The (Unknown) accused during the course of KASPER'S employment with the Chicago Police Department has discriminated against the complainant based on his disability in violation of the Americans with Disabilities Act.

Statement taken at: Bureau of Internal Affairs, 3510 S. Michigan Avenue, Chicago IL 60653

Questioned by: SGT C. PETTIS #1184, Unit 121

Typed by: SGT C. PETTIS #1184, Unit 121

Date and Time: Monday 19 March 2012, 0900 hours.

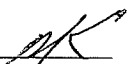
Representative/

Attorney Present: Attorney Sara Panno-Walsh

This interview is a continuation from the 15 March 2012 interview involving P.O. Michael Kasper.

PETTIS: Relative to Article 6 Section 6.1D under the Agreement between the City of Chicago and the Fraternal Order of Police Chicago Lodge No.7, I will only question you and entertain allegations dating back to 12 February 2007.

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1 PETTIS: You are aware that there are no charges or allegations against you
2 and that you are being questioned as a Complainant?
3 KASPER: Yes.
4
5 PETTIS: Are you accompanied by counsel or representative of your
6 choosing, and if so, identify him/her for the record?
7 KASPER: Attorney Sara Panno-Walsh
8
9 PETTIS: Do you understand that this is an official Police Department report
10 and that any deviation from the truth could result in charges being
11 placed against you?
12 KASPER: Yes.
13
14 PETTIS: Rule 14 of the Chicago Police Department's Rules and Regulations
15 prohibits making a false report, written or oral. You may be
16 separated from the Chicago Police Department if you make a false
17 report. Do you understand this?
18 KASPER: Yes.
19
20 PETTIS: Are you ready to continue your statement at this time?
21 KASPER: Yes.
22
23 PETTIS: What places have you been assigned / detailed to have not allowed
24 for the conditions that you stated by your doctor's request?
25 KASPER: Approximately 2008, I was interviewed and was accepted for a
26 transfer to youth investigations, I interviewed with Commander
27 Hargesheimer, based on my performance evaluations, and he said
28 everything looked fine, he said he would meet with Commander
29 Lewin to arrange for my transfer. I was informed by Commander
30 that Dep. Supt. Theodore O'Keefe, informed Commander Lewin
31 that he would only allow me to transfer if I would surrender my D2
32 status. I took that as a personal harassment due to the fact that
33 there were many other officers working outside their title codes
34 throughout the Dept. I spoke to Sgt. Louis Daray and he gave me
35 the offer of the limited duty position in youth investigations.
36
37 PETTIS: Can you give me some examples that you personally know of
38 where department members were working outside their title codes?
39 KASPER: I'm going to submit three seniority rosters by Unit, Title, or Gender
40 obtained from the Chicago Police Departments data warehouse,
41 late 2010 early 2011 and they indicated numerous officers of
42 various title codes working outsider their respective title codes. I
43 will submit three documents totaling 65 pages.
44
45 PETTIS: How were you informed by Commander Hargesheimer of Dep.
46 Supt. O'Keefe's decision?

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1 KASPER: By Commander Lewin through conversation, I don't have the exact
2 date. There were numerous e mails between Dep. Supt. O'Keefe,
3 Commander Lodding, who was Commander of the training
4 academy at the time, Commander Lewin, Commander
5 Hargesheimer, and Director Ladner.
6
7 PETTIS: Do you personally see any of the e mails you refer to?
8 KASPER: No.
9
10 PETTIS: As a Field Training Officer, do you have to be in a full duty status?
11 KASPER: No. I was offered a limited duty status position in the training
12 academy.
13
14 PETTIS: Are you currently on limited duty status.
15 KASPER: No, I was denied.
16
17 PETTIS: Are you able to meet the criteria for limited duty status?
18 KASPER: I believe so and so does my doctor.
19
20 PETTIS: When were you denied limited duty status?
21 KASPER: I was informed via an e mail; on 01 February 2012 I received an e
22 mail from P.O. Bankson, medical services section, through
23 Director Ladner that my limited duty status was denied.
24
25 PETTIS: Referring back to Dep. Supt. O'Keefe asking you to surrender your
26 D2 status, were there any other FTO's working outside their title
27 codes?
28 KASPER: Yes, I believe there were several listed on the seniority roster from
29 the data warehouse dated 12 January 2011, Richard Aguilar, he is
30 detailed to unit 541 as an FTO, Robert Mangan, Unit 701, myself, I
31 was detailed to unit 125 for several years before I was asked to
32 surrender my FTO status. There are several more available on the
33 seniority roster.
34
35 PETTIS: What was your duty status when you were assigned to unit 125?
36 KASPER: Limited duty.
37
38 PETTIS: How do you believe Dept. Supt. O'Keefe's asking you to surrender
39 your D2 status was a form of harassment?
40 KASPER: As we just listed there were various other officers with D2 status
41 working outside their title codes. Then I refused to voluntarily
42 give up my FTO status and I believe that it was direct retaliation
43 that I was asked to give up my FTO status. On 12 January 2011 I
44 was informed that an FTO review board was being convened to
45 request a demotion in rank. This statement can be corroborated
46 through e mails from O'Keefe, Ladner, and Commander Lodding.

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1 I submitted documentation during my last interview about the FTO
2 board being convened to ask for my demotion. I was then demoted
3 and a couple weeks later I was informed by Commander Lewin
4 that my detail was being cancelled. I was also informed that my
5 D2 status was removed on 20 January 2011. I was then transferred
6 to the 008th district, second watch, a few days later I was
7 transferred to the first watch against my will by Commander
8 Kupczyk. I then had a meeting with him and explained to him how
9 that would adversely affect the management of my diabetes, he
10 said he couldn't do any thing about it, but would try to transfer me
11 back to unit 376, which he did.
12
13 PETTIS: When you originally requested the transfer by Commander
14 Hargesheimer, was it understood that that move was based on
15 management's decision?
16 KASPER: Yes.
17
18 PETTIS: Did you submit a par form for the transfer?
19 KASPER: No. The transfer would have been a phone transfer.
20
21 PETTIS: Are any of the officers to which you referred in the exact same
22 situation that you are in regarding job description and duty status?
23 KASPER: Yes.
24
25 PETTIS: Have you read the job description for Field Training Officer?
26 KASPER: Yes, not recently but I have.
27
28 PETTIS: Officer Kasper, how were you denied a promotion?
29 KASPER: By being in a limited duty status, per any advancement opportunity
30 or promotion, the department has clearly stated that you must be
31 full duty to apply.
32
33 PETTIS: How was that denial of a promotion based on your disability?
34 KASPER: Because due to my type 1 diabetes I was in a limited duty status.
35
36 PETTIS: How do you feel this is a form of discrimination?
37 KASPER: Quite simply, it's stated under the ADA that I can not be denied a
38 promotion due to my disability.
39
40 PETTIS: Have you mentioned the harassment by Dep. Supt. O'Keefe to any
41 other department member?
42 KASPER: Sure, my immediate supervisor, Sgt Alex Soto, Unit 125. I felt he
43 concurred.
44
45 PETTIS: Have you initiated any complaints in the past regarding the
46 harassment?

1 KASPER: No. But I have filed a grievance for the FTO demotion which you
2 have a copy of.
3
4 PETTIS: Why didn't you initiate any complaints in the past other than the
5 grievance filing regarding the harassment from Dep. Supt.
6 O'Keefe?
7 KASPER: I believe the grievance addressed that. I also submitted a To/From
8 stating my position in 2004 to Commander Burton, then I
9 submitted a To/From with regards to my FTO demotion, 14
10 January 2011, to Lieutenant Michael Piggot, Unit 124.
11
12 PETTIS: Why are you coming forward now with the aforementioned
13 allegations?
14 KASPER: Because I was placed on forced medical against my will and my
15 doctors recommendations.
16
17 PETTIS: What led to you being placed on what you call forced medical?
18 KASPER: An e mail from Barbara Hemmerling, the director^{of} medical
19 services, who was told that my request for limited duty status was
20 denied. No reason given. I believe I submitted those e mails.
21 *per Tracy Ladner, Director of Human Resources. MK*
22 PETTIS: Was your work effected by the harassment from Dep.Supt.
23 O'Keefe?
24 KASPER: Yes, my work and my lifestyle and my medical condition. Caused
25 undue stress, made my diabetes much harder to handle, in that my
26 blood sugar would vary greatly with highs and low glucose levels.
27 Being placed on first watch made managing my diabetes very
28 difficult in that, it was very hard to eat proper meal throughout the
29 day. Not being able to eat properly and sleep properly caused
30 fluctuation in my blood sugar levels.
31
32 PETTIS: Are you saying that you can only manage your diabetes while
33 working a certain shift?
34 KASPER: My doctor and I came to the conclusion that it can be much better
35 managed living a more normal lifestyle being able to sleep during
36 the night being able to work when restaurants are open when I can
37 get food and eat properly.
38
39 PETTIS: When were you assigned to work midnights?
40 KASPER: Late January 2011, early February 2011.
41
42 PETTIS: How long were you assigned to midnights?
43 KASPER: Until I was placed on forced medical, early February 2012,
44 approximately a year.
45
46

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1 PETTIS: Have you mentioned the demotion to any other department
2 member?
3 KASPER: Sure, many coworkers, the union, Commander Lewin, and Sgt.
4 Soto.
5
6 PETTIS: How did the demotion make you feel?
7 KASPER: Angry, upset, created a big financial burden on me because I was
8 being singled out.
9
10 PETTIS: Explained what you mean by singled out?
11 KASPER: Well as I stated earlier, there are other officers who work outside
12 their respective title codes who were not forced into demotion.
13 Their was a female black FTO assigned to 376 for years and was
14 able to retire with her FTO status and this can be substantiated
15 from previous A&A's and unit rosters for 376. Approximately 3
16 days prior to being notified that my limited duty status was going
17 to be denied, I was given my 4th quarter performance evaluation on
18 27 January 2012, my performance evaluation exceeds expectations
19 in all five evaluation categories, which was just 3 days prior to the
20 department placing me on forced medical, this document was
21 already submitted during previous interview. I believe denial of
22 my limited duty status was in retaliation of filing my grievance for
23 FTO demotions. I also feel my being denied a limited duty
24 assignment is further retaliation because it has been granted to me
25 in previous years. Other officers in my similar situation, limited
26 duty officers were granted limited duty assignments while I was
27 denied. Further other officers have been reinstated from the forced
28 medical back to their limited duty assignments. I believe this is
29 direct retaliation and harassment for filing an EEOC complaint
30 against the police department. The FOP and medical services
31 section have a record of the officers I referred to in this statement.
32
33 PETTIS: Is there any other incidents of a demotion other than the FTO
34 incident?
35 KASPER: No.
36
37 PETTIS: Have you made any attempts to return to limited duty status?
38 KASPER: No.
39
40 PETTIS: Why not?
41 KASPER: I filed a grievance and I'm submitting to you a copy of said
42 grievance # [REDACTED]
43
44 PETTIS: Is there anything else that you have not mentioned regarding
45 allegations 1, 2, and 3 that you would like to mention at this time?

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1 Allegations 4 and 5 will be addressed by another area of the Police
2 Department.

3 KASPER: Nothing that I can recall at this time.
4

5 PETTIS: After reading this statement consisting of 7 pages and finding it to
6 contain accurately the questions asked and the responses that you
7 have given, will you sign it?


8 KASPER: Yes
9

10 PETTIS: You are being informed that this is an ongoing investigation and
11 that you are not to discuss your statement or reveal your statement
12 with anyone other than your attorney or union representative, do
13 you understand?

14 KASPER: Yes
15
16

17 This statement is concluded at 1147 hours.
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P.O. Michael KASPER # 4240, Unit 376

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SGT Christopher PETTIS #1184
36 Special Investigations Section
37 Bureau of Internal Affairs
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